

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: MAY 14, 2009

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

VAR-33989 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: SANARP TRUST - Request for a Variance TO ALLOW AN EXISTING 3,783 SQUARE-FOOT ACCESSORY STRUCTURE (CLASS II) WHERE 2,029 SQUARE FEET IS THE MAXIMUM SIZE ALLOWED; TO BE 17 FEET IN HEIGHT WHERE A HEIGHT OF 13.25 FEET IS PERMITTED; NOT TO BE AESTHETICALLY COMPATIBLE (METAL) WITH THE PRINCIPLE DWELLING UNIT; AND TO ALLOW FOR TWO-FOOT SIDE YARD SETBACK WHERE THREE FEET IS REQUIRED on 0.94 acres at 3018 Ashby Avenue (APN 162-05-115-006), R-E (Residence Estates) Zone, Ward 1 (Tarkanian)

C.C.: 06/17/2009

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

31

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

18

City Council Meeting

0

RECOMMENDATION:

DENIAL

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest Postcards/Letter and Support Postcard
7. Submitted after Final Agenda – Protest Postcards, Support Letters and Petition by Bret Birdsang

Motion made by VICKI QUINN to Deny

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1

MICHAEL E. BUCKLEY, VICKI QUINN, STEVEN EVANS, GLENN TROWBRIDGE, RICHARD TRUESDELL, BYRON GOYNES; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-KEEN ELLSWORTH)

NOTE: COMMISSIONER TRUESDELL disclosed that an agent in his office represents a commercial building within the notice area but has no impact on his actions, so he will vote on the item.

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Minutes:

CHAIR TROWBRIDGE declared the Public Hearing open.

STEVE GEBEKE, Planning and Development, pointed out that the proposed accessory structure is not aesthetically compatible with the principle residence and does not meet the setback standards. The applicant could remove the accessory structure or redesign with the required permits. Staff recommended denial, as the hardship is self-imposed. The structure was built prior to obtaining the required permits.

HENRY SANCHEZ, 3018 Ashby Avenue, appeared with JEFF GROVER, 7155 Polaris Avenue. MR. SANCHEZ stated he purchased the subject property while living in another primary residence. While upgrading the 6018 Ashby property, his family experienced multiple burglaries at their primary residence with no resolution. The timeframe in obtaining the necessary permits for the 6018 Ashby property placed him in a rock and a hard place. As a result, his family moved into the subject property without the necessary permits. MR. SANCHEZ confirmed the structure is used to store his classic cars, and the height of the structure is needed when lifting vehicles for repair. He realizes his property's zoning allows for horses and a barn, but he prefers having this structure to accommodate his hobby in restoring classic cars. His property is just less than one acre, and he has been complimented on his Green efforts with desert landscaping.

KEVIN EFROYMSON, 2901 Ashby Avenue; RENEE POLLEY, 2606 Mason Avenue; and DAVE LARRAYOZ, 3010 Ashby Avenue, all expressed opposition to the request. MR. EFROYMSON was aware that five other property owners on Ashby Avenue do not support the request as well. The structure is incompatible with the neighborhood, many of whom have been residents for many years. In a similar situation, a previous applicant followed the steps in obtaining proper permits but was denied. They felt it was absurd for this applicant to think he can build something without proper permits and expect to be approved regardless. The neighborhood is historic and should not be made to feel industrial with this steel structure. Had the applicant worked with the residents and obtained proper permits, he would have probably received some support from the residents. MR. LARRAYOZ added that although MR. SANCHEZ is a great neighbor, appraisers have informed him of the negative impact the structure has on his property and others relative to lack of view.

COMMISSIONER QUINN recognizes that Ashby Avenue is a diamond in the rough, and some of the residents have lived there for over 20 years because of the location and age of the neighborhood. Directly behind MR. SANCHEZ'S property is commercial, and if this request was approved, a precedent could be set for others to come forward and ask for the same. She visited MR. SANCHEZ'S home and appreciated his hospitality but realizes that residents have spent their livelihood in keeping Ward 1 alive, and it is her intention to preserve the neighborhood as well.

COMMISSIONER EVANS could not support the request. He was concerned that MR. SANCHEZ claimed to be a builder yet did not realize he needed permits. He disagreed, in that

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the structure is in fact a shed, which backs up to Charleston Boulevard. Approving this huge structure will affect property values, especially when you have fine neighborhoods in the city, such as McNeil Estates.

COMMISSIONER BUCKLEY stressed to MR. SANCHEZ that the issue is not with his personal circumstances, rather that there are not extraordinary circumstances to justify the Variance.

MR. SANCHEZ informed COMMISSIONER GOYNES that the structure is 90 percent complete. MARGO WHEELER, Director of Planning and Development, explained that the timeframe to obtain permits is not long. There is a significant amount of space on the lot to accommodate the structure, so the applicant could redesign to meet the required setbacks.

CHAIR TROWBRIDGE declared the Public Hearing closed.

